

Chapter CCXI.¹

SPECIAL ORDERS.

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758. A special order may be made by unanimous consent.

On Wednesday, April 4, 1917,² following the approval of the Journal, Mr. Henry D. Flood, of Virginia, from the Committee on Foreign Affairs, addressed the chair and submitted the following request:

Mr. Speaker, I ask the indulgence of the House for a moment to make a request for unanimous consent. The Committee on Foreign Affairs this morning reported the resolution (H. J. Res. 24) declaring that by the acts of Germany a state of war exists between that country and the United States. I ask unanimous consent that as soon as the appropriation bill is disposed of this resolution may be brought before the House and taken up for consideration, debated during the afternoon, and voted on some time during the afternoon.

After some time spent in discussion, Mr. Flood modified his request and it was put by the Speaker³ in the following form:

The gentleman from Virginia, Mr. Flood, asks unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock to-morrow morning, and that after the reading of the Journal and the disposition of business on the Speaker's table, the so-called war resolution shall be taken up for debate under the general rules of the House. Is there objection?

There was no objection, and on the following day, April 5, after the Journal had been approved, the Speaker recognized Mr. Flood, who moved that the House resolve itself into the Committee on the state of the Union for the consideration of the joint resolution.

759. On February 16, 1923,⁴ Mr. Frank W. Mondell, of Wyoming submitted the following request:

Mr. Speaker, I ask unanimous consent that on Monday and Tuesday next it may be in order at any time after 5 o'clock in the afternoon to move that the House stand in recess until 8 o'clock for the consideration of bills on the Private Calendar unobjected to, the session to last not later than 10.30 p.m.

¹Supplementary to Chapter LXXXVIII.

²First session Sixty-fifth Congress, Record, p. 263.

³Champ Clark, of Missouri, Speaker.

⁴Fourth session Sixty-seventh Congress, Record. p. 3794.

The Speaker, having submitted the request to the House, there was no objection, and the special order was agreed to.

760. A special order is sometimes agreed to by unanimous consent without formal resolution.

Instance in which the House by “gentleman’s agreement,” provided for nominal sessions during which no business should be transacted.

On October 19, 1918,¹ Mr. Claude Kitchin, of North Carolina, proceeding by unanimous consent, said:

Mr. Speaker, the legislative situation is this: With the exception of the deficiency bill which passed the House yesterday and the agricultural stimulation bill, and Senate joint resolution 63 to form a reserve of the Public Health Service, which we passed the other day, all the administration measures have been passed, and the only thing for the House to do is to wait until the Senate passes the revenue bill. The Senate Finance Committee will probably finish the revenue bill and report it out by the 29th. It is then proposed by the Senate to have a concurrent resolution for adjournment of the two Houses from October 29 to November 12; the Senate hopes to pass the revenue bill by the 20th, or not later than the 25th of November. It is then hoped we can have an adjournment sine die, which would be until the regular session meets on the first Monday in December. I am going to ask unanimous consent for a gentlemen’s agreement, which I have put in writing and which I ask the Clerk to read.

The Clerk read:

It is agreed, by unanimous consent, that when the House adjourns today it shall stand adjourned to meet on Monday and Thursday only of each week until the Senate shall have voted on the pending revenue bill, unless sooner reconvened by operation of law or necessity, of which notice shall be given by the majority and minority leaders. That during this period no business shall be transacted, by unanimous consent or otherwise, except the final disposition of the pending deficiency appropriation bill, the Agricultural stimulation bill, and Senate joint resolution No. 63: *Provided*, That the House may consider and act upon any concurrent resolution proposing a recess for a fixed period.

The Speaker² inquired if the agreement was submitted as a resolution for consideration by the House.

Mr. Kitchin replied that it was not offered as a resolution and was merely the form of a gentleman’s agreement which he suggested be entered of record.

After debate, the Speaker pro tempore³ said:

Is there objection to the unanimous-consent agreement presented by the gentleman from North Carolina? [After a pause.] The Chair hears none, and it is so ordered.

761. By unanimous consent, the House agreed to transact no business during a stated period.

The laying before the House of a message from the President was held not to be business within the terms of a special order restricting the transaction of business, but being objected to, was not insisted upon.

On August 24, 1921,⁴ on motion of Mr. Frank W. Mondell, of Wyoming, by unanimous consent, it was agreed that when the House adjourned it should adjourn

¹ Second session Sixty-fifth Congress, Record, p. 11379.

² Champ Clark, of Missouri, Speaker.

³ Thaddeus H. Caraway, of Arkansas, Speaker pro tempore.

⁴ First session Sixty-seventh Congress, Record, p. 5708.

for three days, and should continue to take like adjournments for three days until Monday, October 3; and that on the convening of the House in the interim no business should be transacted except the reading of the Journal.

On September 28, 1921,¹ following the reading and approval of the Journal, the Speaker pro tempore proposed to lay before the House a message received from the President.

Mr. Thomas L. Blanton, of Texas, made the point of order that under the unanimous-consent agreement entered into on August 24, no business could be transacted until October 3.

The Speaker pro tempore² said:

The Chair overrules the point of order of the gentleman from Texas, but in view of the attitude of the gentleman from Texas in making the point of order that it was not proper to lay before the House a message which has already been received, the Chair will defer laying the message before the House until a later session of the House.

762. Tabulation, by sessions, of number of special orders providing for consideration of business, adopted since the Sixtieth Congress.

On March 17, 1910,³ Mr. James R. Mann, at the conclusion of a discussion of the rules, appended, by consent, a list of special orders adopted by the House to that time on reports from the Committee on Rules during the Sixtieth Congress.

The number of special orders for the consideration of business reported by the Committee on Rules and adopted by the House for the Sixtieth and succeeding Congresses is as follows:

Congress.	Session.	Special orders.	Congress.	Session.	Special orders.
Sixtieth	1	6	Sixty-sixth	3	9
Sixtieth	2	3	Sixty-seventh	1	26
Sixty-first	1	5	Sixty-seventh	2	29
Sixty-first	2	6	Sixty-seventh	3	1
Sixty-first	3	5	Sixty-seventh	4	12
Sixty-second	1	3	Sixty-eighth	1	14
Sixty-second	2	11	Sixty-eighth	2	8
Sixty-second	3	4	Sixty-Ninth	1	22
Sixty-third	1	6	Sixty-ninth	2	13
Sixty-third	2	17	Seventieth	1	22
Sixty-third	3	5	Seventieth	2	17
Sixty-fourth	1	14	Seventy-first	1	3
Sixty-fourth	2	11	Seventy-first	2	24
Sixty-fifth	1	7	Seventy-first	3	11
Sixty-fifth	2	25	Seventy-second	1	32
Sixty-fifth	3	8	Seventy-second	2	13
Sixty-sixth	1	21	Seventy-third	1	27
Sixty-sixth	2	19			

763. A special order which provides for the consideration of a bill from day to day until disposed of includes, unless exception be made, a day such as Monday, set apart by the rules for a class of business.

¹ Record. p. 5865.

² Joseph Walsh, of Massachusetts, Speaker pro tempore.

³ Second session Sixty-first Congress, Record, p. 3335.

When a special order applies to certain days only, a bill taken up but left undisposed of can be called up again only on a day specified in the order.

Unless otherwise provided, special orders may be altered by unanimous consent only.

Where special order provides for convening of daily sessions at 11 o'clock while a bill is under consideration, the House meets at 11 o'clock only on days when consideration of the bill is in order.

On March 13, 1920,¹ during a discussion relating to the order of business, Mr. James R. Mann, of Illinois, as a parliamentary inquiry asked:

The rule that was adopted relating to the consideration of the Army reorganization bill making a motion to go into Committee of the Whole on the state of the Union on that bill in order, stated that the House should meet at 11 o'clock during the consideration of that bill. Monday being suspension day, and the consideration of the Army reorganization bill not having yet been concluded, will the House meet on Monday at 11 or 12 o'clock?

The Speaker pro tempore² said:

The Chair thinks, from the language employed in the rule, which is as follows:

"That during the consideration of the bill the House shall meet at the hour of 11 o'clock ante meridian" would make it necessary for the House to meet at that hour on each day on which the motion to consider it would be in order, until the bill had finally been disposed of.

Mr. Frank W. Mondell, of Wyoming, submitted the following motion:

In view of that fact, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock on Monday.

Mr. Mann submitted a further inquiry as to the method of amending a special order.

The Speaker pro tempore held that it could be altered by unanimous consent only.

764. The consideration of a bill under special order takes precedence of reading of engrossed copy of bill on which the previous question has been ordered.

On July 16, 1919,³ the bill (H.R. 5726), fixing a minimum wage for certain employees of the United States, was ordered to be engrossed and read a third time.

The reading of the engrossed copy having been demanded, Mr. Champ Clark, of Missouri, as a parliamentary inquiry, asked if the reading of the engrossed copy would be in order on the following day.

The Speaker⁴ replied that a special order provided for consideration of the bill (H.R. 6810) relating to prohibition of intoxicating beverages on the following day and would take precedence of the reading of the engrossed copy of the pending bill.

765. When a special order prescribes limits beyond which debate may not continue, the House may, on motion, close debate at any time within such limits.

¹ Second session Sixty-sixth Congress, Record, p. 4313.

² Joseph Walsh, of Massachusetts, Speaker pro tempore.

³ First session Sixty-sixth Congress, Record, p. 2689.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

Under a special order providing for consideration in Committee of the Whole, the House automatically resolved into the committee after voting on a motion to close debate for which the committee has risen.

On January 30, 1923,¹ the House was considering, in the Committee of the Whole House on the state of the Union, the joint resolution (S. J. Res. 12) authorizing the President to make certain requirements of the United States Sugar Equalization Board.

Consideration was proceeding under a special order of the House which provided that debate would "not exceed 1 hour and 30 minutes."

Before the expiration of the time specified the committee rose, and Mr. Frank W. Mondell, of Wyoming, moved that debate be closed on the joint resolution pending in the Committee of the Whole.

Mr. William H. Stafford, of Wisconsin, raised the point of order that under the terms of the special order debate could not be concluded until the expiration of 1 hour and 30 minutes.

The Speaker² ruled:

The Chair thinks the argument of the gentleman would undoubtedly be correct if the resolution had fixed definitely a certain time; but the resolution says that there shall be not to exceed 1 hour and 30 minutes of general debate. Now, there is a general rule, of course, that the House at any time has the right to close debate in Committee of the Whole. The Chair does not think, because the Committee on Rules said there should be not to exceed an hour and a half, that that takes away from the House the power to decide whether there shall be less than that. It does not give it to any one gentleman to decide, but it leaves it in the power of the House to decide whether there shall be less than that time for general debate. The Chair overrules the point of order.

Mr. Everett Sanders, of Indiana, submitted the further point of order that a motion to go into Committee of the Whole should precede the motion to close debate.

The Speaker said:

Under the rule the House will automatically go into Committee of the Whole. The gentleman from Wyoming moves that debate in Committee of the Whole be now closed.

766. A division of time for debate between those "for and against" a proposition does not necessarily provide for such division between the majority and minority parties of the House but between those actually favoring and opposing the measure.

The House having adopted a special order susceptible of an interpretation waiving the rule limiting Members to one hour in debate, the Speaker held the rule to remain in force unless specifically abrogated.

On March 23, 1922,³ while the House was proceeding under a special order authorizing the consideration of motions to suspend the rules, Mr. Joseph W. Fordney, of Michigan, moved to suspend the rules and pass the bill providing adjusted compensation for veterans of the World War.

¹ Fourth session Sixty-seventh Congress, Journal, p. 165; Record, p. 2750.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Second session Sixty-seventh Congress, Record, p. 4365.

Mr. John N. Garner, of Texas, called attention to the provision of the special order that:

Provided, however, Instead of 20 minutes' debate being allowed to each side for and against the motion, there shall be 2 hours for such debate to each side.

and inquired if, under this provision, the Member demanding a second would be recognized for two hours.

The Speaker¹ said:

Normally under a motion to suspend the rules, when there is only 20 minutes on a side, the gentleman making the motion has 20 minutes and the gentleman demanding a second has 20 minutes. Under the general rules of the House no one is recognized for more than an hour. The Chair thinks that the gentleman from Michigan, Mr. Fordney, should be recognized for one hour in favor of the motion and the gentleman from Texas, Mr. Garner, one hour against the motion. Then there would be two hours remaining, which the Chair thinks would be within the recognition of the Chair.

The Chair will state frankly what his purpose is. The Chair thinks he should recognize the gentleman from Michigan for one hour in favor of the motion and the gentleman from Texas, Mr. Garner, for one hour against the motion, and then normally he would recognize the gentleman from Arkansas, Mr. Oldfield, in favor and the gentleman from Massachusetts, Mr. Treadway, against. But under the present circumstances the Chair is placed in this dilemma: The rule provides that one-half of the time given to debate be in favor and one-half in opposition to the proposition. It seems to the Chair that anyone who has read the report signed by the gentleman from Arkansas, Mr. Oldfield, would not expect the time he consumed would be in favor of the proposition. The report which the gentleman signed attacks the bill. Therefore, the Chair has come to this conclusion, that he will recognize the gentleman from Michigan for one hour, the gentleman from Texas for one hour, and the next ranking member of the Committee on Ways and Means, the gentleman from Iowa, Mr. Green, for one hour, he having assured the Chair that he will yield one-half of that hour to the gentleman from Arkansas, Mr. Oldfield, and then will recognize the gentleman from Massachusetts, Mr. Treadway, as opposed to the bill, for one hour.

The Chair does not think that the rule means that the gentleman from Michigan shall have two hours and the gentleman from Texas two hours. The Chair does not think that is a proper interpretation of the rule.

The Chair thinks that the general rule of the House of one hour applies; and the Chair does not think there is any way under this rule by which a gentleman can have more than one hour except by unanimous consent.

Mr. Garner further inquired if the Speaker proposed to divide the time equally between the majority and minority.

The Speaker continued:

The Chair wishes to assure the gentleman, and he hopes it will be credited, that his desire is to be entirely fair. He would normally and naturally recognize the gentleman from Arkansas, Mr. Oldfield, but it seemed to the Chair that doing that would really give to the opponents of the measure three hours, or that at least most of three hours of the time for debate would be occupied with attacks on the bill, leaving only one hour in its favor. Therefore the Chair made the arrangement which he suggested.

The Chair thinks that he is justified in that by the attitude taken by those on the minority side of the House as evidenced in the minority report, showing that while they are going to vote for the bill they desire to use their time in criticism of it.

¹ Frederick H. Gillett, of Massachusetts, Speaker.

767. The term “minority” in a special order was construed to refer to the Minority party in the House and not to those in the minority on the pending question.

On December 21, 1920,¹ the House was considering, in the Committee of the Whole House on the state of the Union, the bill (S. 3477) to increase opportunities of the people to acquire rural homes, under a special order providing that:

There shall be one hour and a half of general debate, one-half to be controlled by the chairman of the Committee on Irrigation of Arid Lands and one-half to be controlled by the ranking minority member of that committee.

Mr. Otis Wingo, of Arkansas, rose to a parliamentary inquiry and asked if the term “ranking minority member” as used in the order referred to the ranking party member or to the ranking member opposed to the measure.

The Chairman² said:

The Chair will respond to the parliamentary inquiry. In the opinion of the Chair, the rule which has been adopted in the House is binding upon the committee. The rule provides that there shall be an hour and a half of general debate, one-half to be controlled by the chairman of the Committee on Irrigation of Arid Lands and one-half by the ranking minority member of that committee.

While the rule may be arbitrary, a remedy lay in an amendment when the resolution was being considered; but as no amendment was adopted, the Chair must hold that the words “the ranking minority member of that committee” means the political minority.

768. A special order authorizing managers as provided by section 2 of Rule XX to agree to a Senate amendment making appropriations, precludes the point of order that the House has not voted separately on a new appropriation in such amendment.

On November 1, 1921,³ during the consideration of the conference report on the good roads bill, Mr. Joseph Walsh, of Massachusetts, raised the point of order that the conferees had exceeded their authority by agreeing to a Senate amendment making appropriations for forest roads and trails.

The Speaker⁴ said:

In this case there is only one amendment. Rule XX, clause 2, provides that there shall be a specific vote on each Senate amendment introducing a new appropriation. The House last week passed a special resolution providing that the managers on the part of the House “are hereby given specific authority, as provided in clause 2, Rule XX, to agree to an amendment of the Senate providing for an appropriation.”

It seems to the Chair very clear that that was intended to authorize the conferees to do exactly what they have done, to agree to an amendment containing an appropriation. It is asserted that it contains more than one appropriation. But it was one amendment, and obviously the purpose of this special resolution was to prevent the application in this case of Rule XX, clause 2, and to preclude the necessity which would otherwise exist of reporting a disagreement, getting specific authority on each amendment, and then go back to conference. It was a short cut, it seems to the Chair. The intention is perfectly clear, and it seems to the Chair that the amendment is legal and orderly, and the Chair overrules the point of order.

¹Third session Sixty-sixth Congress, Record, p. 610.

²Frederick C. Hicks, of New York, Chairman.

³First session Sixty-seventh Congress, Record, p. 7119.

⁴Frederick H. Gillett, of Massachusetts, Speaker.

769. A special order may provide that all points of order against a proposition be considered as waived.

Each House determines for itself its practice in the consideration of conference reports, and a concurrent resolution is not required in fortifying a conference report against points of order.

On October 10, 1919,¹ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, submitted a resolution providing for the consideration of the conference report on the prohibition enforcement bill, and including the following:

And all points of order on said conference report shall be considered as waived.

Mr. Joseph Walsh, of Massachusetts, raised a point of order that the right of a Member to make a point of order in the House was a constitutional prerogative, which could not be restricted or abrogated by resolution, and the Committee on Rules were without authority to submit such resolution.

The Speaker² said:

This is a novel point. The Chair has been unable to find any precedents upon it. It is undoubtedly true that the usual practice has been to avoid points of order by a concurrent resolution. That, of course, does not prove that there is no other method of doing it, and on the general principle the Chair sees no reason why each House separately can not by a rule determine its own action. Each House has until quite recently had very different rules about conference reports. The Senate rule was, until their recent change, much more liberal than the House rule, which seems to confirm, the opinion of the Chair that each House has the right to determine separately its own limitations on conference reports and that the use of a concurrent resolution is not exclusive. The gentleman from Massachusetts contends that the provision in the rule that "points of order shall be considered as waived" takes away from a Member of the House his constitutional right to make a point of order. The Chair is disposed to agree with the gentleman that that is not a fortunate choice of language. It would have made the ruling easier if the precedents had been followed. As the Chair recollects, the ordinary custom is to say—

"Shall be considered without the intervention of points of order."

It seems to the Chair that it would have been better to have followed the precedents. On the other hand, the purpose of the rule seems very clear, that it simply means that points of order shall not be raised. It means to dispose of points of order, and although the language is subject to criticism, yet it seems to the Chair that the real intent and purpose of the phrase and not the verbiage should be considered. So, inasmuch as in the opinion of the Chair the House has a right to provide by a rule that points of order shall not be made against a conference report, and inasmuch as this language was evidently intended and may fairly be construed to accomplish that result, the Chair overrules the point of order.

770. When business which by unanimous consent has been made a special order remains unfinished at adjournment, it continues in order until disposed of.³

On May 22, 1920,⁴ Mr. Rollin B. Sanford, of New York, proposed to call up, as unfinished business, the joint resolution (S. J. Res. 179) authorizing the use of Army transports to the Olympic games.

Mr. Thomas L. Blanton, of Texas, made the point of order that unanimous consent having been given for the consideration of the joint resolution on the pre-

¹ First session Sixty-sixth Congress, Record, p. 6682.

² Frederick E. Gillett, of Massachusetts, Speaker.

³ See section 7918 of this work.

⁴ Second session Sixty-sixth Congress, Record, p. 7491.

vious day and adjournment having been taken without the previous question being ordered, its consideration could be resumed on another day by unanimous consent only.

The Speaker¹ overruled the point of order and recognized Mr. Sajafoord to call up the bill.

771. A special order providing for the consideration of a bill from day to day until disposed of includes, unless exception be made, a day such as Monday, set apart by the rules for a class of business.

A special order may be suspended by unanimous consent only.

On September 26, 1914,² the House adopted the following resolution reported by Mr. Finis J. Garrett, of Tennessee, from the Committee on Rules:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 18459, "A bill to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands." At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule, and after being perfected the same shall be reported to the House with such recommendation as the committee may make; whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

On the following Monday, September 28,³ a day reserved under the rules for business relating to the District of Columbia, Mr. Ben Johnson, of Kentucky, asked, as a parliamentary inquiry, if business reported by the Committee on the District of Columbia was in order.

The Speaker⁴ held that the special order suspended the operation of the rule by which Monday was set apart for District of Columbia business.

Thereupon Mr. Scott Ferris, of Oklahoma, submitted a further parliamentary inquiry, asking if it was in order to call up a conference report.

The Speaker held that the consideration of conference reports was precluded by the terms of the pending special order, and recognized Mr. Ferris to submit a request for unanimous consent.

772. A special order which provides for the consideration of a bill from day to day until disposed of includes, unless exception be made, a day such as Friday, set apart by the rules for a class of business.

On Friday, December 12, 1919,⁵ under a special order providing for making the motion in order, Mr. Daniel R. Anthony, of Kansas, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

Mr. Nicholas J. Sinnott, of Oregon, offered, as preferential, a motion that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

¹ Frederick E. Gillett, of Massachusetts, Speaker.

² Second session Sixty-third Congress, Record, p. 15800.

³ Record, p. 15832, 15833.

⁴ Champ Clark, of Missouri, Speaker.

⁵ Second session Sixty-sixth Congress, Journal, p. 38; Record, p. 470.

The Speaker¹ said:

The Chair thinks that the rule that was adopted yesterday making the bill from the Committee on Military Affairs in order put that in a status where the motion to consider it could be recognized to-day by the Chair, if the Chair thought it wise. It was also in order to-day, according to the permanent rule, to move that the House resolve itself into the Committee of the Whole House to consider bills on the Private Calendar. Both of those motions are in order, and other motions might be in order. And it is the purpose of the Chair to recognize whatever motion the Chair thinks represents the desire of the House. Of course the Chair can not be certain what the desire of the House is, but the Chair has consulted different individuals who are interested in the various bills, and other Members, and has come to the conclusion that it was wise to recognize the gentleman from Kansas, Mr. Anthony.

Of course, the Chair can only guess what the House desires, and it is entirely in the hands of the House to determine what business it shall take up. If it votes down the motion of the gentleman from Kansas, then the next preferential motion would be in order by the chairman of the Pension Committee. The Chair overrules the point of order and recognizes the gentleman from Kansas, who made the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill. The question is on the motion of the gentleman from Kansas.

773. A special order providing for the consideration of a bill from day to day until disposed of does not include Wednesday unless specifically mentioned.

On Wednesday, June 8, 1910,² the Speaker announced that the day was Calendar Wednesday, when Mr. J. Warren Keifer, of Ohio, made the point of order that under a special order adopted the previous day the order of business was the consideration of the postal savings bill.

The Speaker³ said:

The rule that was adopted yesterday provided:

"That immediately upon the adoption of this resolution it shall be in order to consider in the House Senate bill 5876, entitled 'An act to establish postal savings depositories for depositing savings at interest'—

And so forth.

That rule, reported by the Committee on Rules, was considered by the House and agreed to.

Under ordinary circumstances, prior to the adoption of the rule that creates Calendar Wednesday and also the rule which guards it from molestation by a resolution reported from the Committee on Rules, the rule in question would have superseded any other business naturally in order to-day, and the Chair would have had no difficulty in deciding the question and sustaining the point of order. But the rules of the House, made under the Constitution by the House, bind the House and can not be set aside, or ought not to be set aside, except under the operation of the rules. Now, the rule creating Calendar Wednesday provides:

"That Committee on Rules shall not report any rule or order which shall provide that business under paragraph 4 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members of the House present, nor shall it report any rule or order which shall operate to prevent the motion to recommit"—

And so forth.

It does not clearly appear from the rule that was adopted that the Committee on Rules had it in mind to change the rule in this instance touching Calendar Wednesday, or that the House, in its adoption, intended to change that rule.

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² Second session Sixty-first Congress, Record, p. 7603.

³ Joseph G. Cannon, of Illinois, Speaker.

The presumption is that neither the Committee on Rules nor the House intended to dispense with Calendar Wednesday by the special rule. It is the duty of the Chair, if possible, to construe all the rules so as to let each one operate, including this rule that was adopted yesterday. The language as to Calendar Wednesday is as follows:

“On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House, by a two-thirds vote on motion to dispense therewith, shall otherwise determine.”

Now, it would seem that if the House intended to dispense with Calendar Wednesday it should have been more specific in its language than it was in the resolution it has agreed to.

The Chair feels it to be his duty, while he is Speaker of this House, to enforce the rules of the House. The rule forbidding the Committee on Rules to report a rule affecting Calendar Wednesday could be changed at the beginning of a session of Congress, when new rules are adopted. Also the rules can be suspended on a motion to suspend all rules, including the rule for Calendar Wednesday, by a vote of two-thirds of the House. The Chair knows no other way to change a rule or the rules of this House except by a report from the Committee on Rules, adopted by a majority vote. But in this instance the Committee on Rules, by a rule, is prohibited from dispensing with Calendar Wednesday. If they should report a rule that did dispense with it, if no point of order was made and the House agreed to the resolution, that would dispense with Calendar Wednesday. The Chair hardly believes that they intended to do that in this case, because it is not expressly so provided in the resolution that the Committee on Rules reported. Of course it is always in the power of the House, on an appeal from the decision of the Chair, to dispense with all rules, any one of the rules or all the rules; but such action would be revolutionary and when recently this House so acted the gentleman who led in such action announced that it was revolutionary, in conflict with the rules of the House and the Constitution of the United States. The Chair overrules the point of order; and in the absence of an appeal will decide that the pending bill under the call of committees is the unfinished business, which the Clerk will report.

774. Where a special order provided for the appointment of conferees “without any intervening motion,” it was held to exclude the motion to instruct conferees, but not the motion to recommit.

On August 15, 1912,¹ the House agreed to a resolution making it in order to take the post office appropriation bill from the Speaker’s table, disagree to Senate amendments, and ask for a conference. It was further provided that on the adoption of the resolution the Speaker should appoint conferees “without any intervening motion.”

Upon the adoption of the resolution, Mr. James R. Mann, of Illinois, offered a motion to instruct the conferees.

Mr. Oscar W. Underwood, of Alabama, raised the question of order that under the terms of the special order just agreed to, the motion could not be entertained.

The Speaker² sustained the point of order.

Mr. Mann moved to commit the bill to the Committee on the Post Office and Post Roads, with instructions to that committee to report it back forthwith with the recommendation that Senate amendment No. 118 be agreed to.

Mr. John A. Moon, of Tennessee, made the point of order that the special order by which the bill was taken from the Speaker’s table prevented the submission of intervening motions, including the motion to recommit, and demanded the previous question.

¹ Second session Sixty-second Congress, Record, p. 11042.

² Champ Clark, of Missouri, Speaker.

The Speaker read the last sentence of section 1, Rule XVII, and decided¹ that the special order could not abrogate this provision, and recognized Mr. Mann to offer the motion to recommit.

775. Rules of the House may be suspended by resolutions reported from the Committee on Rules.

The House may by adoption of a resolution reported from the Committee on Rules suspend the rule providing for the division of a question.

Form of special order providing for consideration of two conference reports as one report.

Form of rule utilized in expediting consideration of a general tariff bill.

On June 14, 1930,² Mr. Bertrand H. Snell, of New York, by direction of the Committee on Rules reported the resolution (H. Res. 253), as follows:

Resolved, That for the purpose of the vote and debate the two conference reports on the bill H. R. 2667 shall be considered as one report. The reading of the two reports shall be waived, and the statement of the managers on the part of the House shall be read in lieu thereof. There shall be three hours of debate, which shall be confined to the reports, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. In the consideration of the reports all points of order shall be waived. At the conclusion of debate the previous question shall be considered as ordered on the adoption of the reports.

Mr. John J. O'Connor, of New York, submitted that the Committee on Rules in reporting a special order waiving all points of order exceeded their jurisdiction.

The Speaker said:³

This is a very ordinary proceeding. It has been done hundreds of times to the knowledge of the Chair. The Chair overrules the point of order.

Whereupon, Mr. Charles R. Crisp, of Georgia, inquired if in the opinion of the Chair the proposed rule abrogated the right of any Member to demand a division of the question and a separate vote on the two conference reports.

The Speaker replied:

The Chair thinks that if the resolution is adopted by a majority that suspends the rule quoted by the gentleman for today in connection with this bill.

776. A special order providing that the previous question be considered as ordered "without intervening motion except one motion to recommit" was held to preclude both amendment and debate on the motion to recommit.

On April 9, 1920,⁴ during the consideration, under a special order, of the joint resolution (H. J. Res. 327), terminating war with Germany, Mr. Henry D. Flood, of Virginia, offered a motion to recommit and demanded the previous question on the motion.

¹ Record, p. 11089.

² Second session Seventy-first Congress, Record, p. 10694.

³ Nicholas Longworth, of Ohio, Speaker.

⁴ Second session Sixty-sixth Congress, Record, p. 5479.

The Speaker ¹ ruled:

The Chair has examined the rule and is of opinion that the previous question is not necessary. The rule provides:

“That at the conclusion of the general debate the previous question shall be considered as ordered on the said House joint resolution to final passage without intervening motion, except one motion to recommit.”

That clause, in the opinion of the Chair, prevents any motion to amend and makes the previous question unnecessary. The question is on the motion of the gentleman from Virginia to recommit the joint resolution.

777. A special rule, ordering the previous question on a pending bill and amendments to final passage when reported from the Committee of the Whole, was held not to preclude a recommendation by the Committee of the Whole that the bill be recommitted.

A recommendation from the Committee of the Whole to recommit a bill on which the previous question had been ordered by special rule, being rejected, the question recurs on the passage of the bill.

On May 21, 1926,² the bill (H. R. 11603) to establish a Federal Farm Board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities was being considered under a special order, which provided:

After the reading of such bill for amendment it shall be in order to offer H. R. 11618 (Tincher bill) or H. R. 11606 (Aswell bill) as a substitute for H. R. 11603, or H. R. 11606 for H. R. 11618, or vice versa, notwithstanding the provisions of clause 7 of Rule XVI. At the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

After consideration in the Committee of the Whole House on the state of the Union, the Chairman of that Committee announced that the Committee of the Whole had directed him to report the bill back to the House with certain amendments with the recommendation that the bill and all amendments thereto be recommitted to the Committee on Agriculture.

Mr. Olger B. Burtness, of North Dakota, made a point of order that under the provision of the special rule ordering the previous question to final passage a recommendation from the Committee of the Whole to recommit could not be entertained.

The Speaker ³ overruled the point of order and said:

The Chair does not think he has the right to put any question except the question as to whether the House will follow the recommendation of the committee. The contention of the gentleman from Iowa would have been in order if the committee had recommended to the House the passage of the bill, but the committee did not make that recommendation; the committee recommended that the bill and amendments should be rereferred to the Committee on Agriculture. Therefore the Chair can take no other course than to overrule the point of order, and the question is, Shall the recommendation of the Committee of the Whole House on the state of the Union that the bill be rereferred to the Committee on Agriculture be adopted by this House?

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² First session Sixty-ninth Congress, Record, p. 9861.

³ Nicholas Longworth, of Ohio, Speaker.

The question on agreeing to the recommendation of the Committee of the Whole being taken and rejected, Mr. Cassius C. Dowell, of Iowa, submitted a parliamentary inquiry as to the further procedure required by the special order.

The Speaker held that under the order for the previous question provided by the rule, the question recurred on the stages incident to final passage, and put the question successively on the amendments and on the engrossment and third reading of the bill.

778. A special order to lay before the House a bill on the Speaker's table with the previous question ordered on a motion to concur in Senate amendments, does not prevent submission of a motion to recommit.

On March 4, 1911,¹ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, reported the following resolution:

Resolved, That when the bill H. R. 32010, "An act to create a tariff board," shall have been received from the Senate the Speaker shall immediately, without regard to pending business, lay it before the House, and thereupon the previous question shall be considered as ordered on a motion to concur in the Senate amendments in gross.

Mr. John J. Fitzgerald, of New York, made the point of order that the resolution was not privileged in that it prevented the offering of a motion to recommit.

The Speaker² overruled the point of order, and the resolution was agreed to.

Mr. Fitzgerald moved to commit the Senate amendments to the Committee on Ways and Means.

Mr. James R. Mann, of Illinois, raised a question of order and contended that the special order just adopted precluded the motion to commit.

The Speaker overruled the point of order.

779. A special order is interpreted literally and without regard to the practicability of its provision.

Where a special order provided for the motion to recommit, a conference report was admitted although Senate conferees had been discharged, the special order having been adopted after their discharge.

On October 10, 1919,³ while the House was considering the conference report on the prohibition enforcement bill under a special order admitting a motion to recommit, Mr. William L. Igoe, of Missouri, moved to recommit the conference report to the conferees, with instructions.

Mr. Andrew J. Volstead, of Minnesota, made the point of order that the Senate had already acted on the report and discharged its conferees, and the motion to recommit was not in order.

The Speaker⁴ said:

It seems to the Chair that this is an awkward and quite unprecedented situation. If it were not for the fact that the rule especially permits the motion to recommit, the Chair would have no hesitation, following the precedents, in ruling, that the motion to recommit was out of order, be-

¹Third session Sixty-first Congress, Record, p. 4332.

²Joseph G. Cannon, of Illinois.

³First session Sixty-sixth Congress, Record, p. 6696.

⁴Frederick H. Gillett, of Massachusetts, Speaker.

cause the conferees on the part of the Senate have been discharged and there is really no conference committee to whom it could be recommitted. But the rule which the House adopted in the full light of the conditions, knowing that the Senate conferees had been discharged, especially authorized a motion to recommit. The Chair agrees that it is a vain and futile thing, but the Chair does not think that it is within the province of the Chair to invalidate a rule which the House has just passed. While it seems to the Chair that the adoption of such a motion would be useless—and the Chair can only speculate what might be the fate of the bill if the motion should carry—at the same time the Chair does not think it is within the province of the Chair to nullify what the House has just adopted with its eyes open. Therefore the Chair overrules the point of order. The question is on the motion to recommit.

780. A special order is strictly construed and supersedes rules with which it may be in conflict.

Jurisdiction and functions denied a committee under the rules may be conferred by special order.

A committee granted additional powers by special order is limited in the exercise of those powers to matters specified in such order.

On August 29, 1918,¹ during the consideration of the water-power bill in the Committee of the Whole House on the state of the Union, a section was read providing for the expenses of a waterways commission.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the section carried an appropriation, and that the Committee on Water Power was without authority to report appropriations.

The Chairman² said:

The Chair is thoroughly convinced that the Committee on Water Power, which has control of this bill—Senate bill 1419—has no general power to appropriate money, and the Chair would hold so immediately if it were not for the exceptional circumstances under which this committee was created and these particular bills referred to it. Senate bill 1419, which was referred specifically to this new committee by the special resolution of the House, passed on January 11 of this year, does carry appropriations. It is stated that another bill referred to specifically in the resolution and referred to this special Committee on Water Power also carries appropriations.

The Chair confesses that this is a rather perplexing question, but it seems to the Chair that inasmuch as a special rule was provided by the Committee on Rules, after careful consideration, which was finally adopted and known as resolution 216, in which resolution these four bills were specifically named and specifically referred to the Committee on Water Power, it does seem to the Chair that the House must be assumed to have known what it was doing, and that it knew that these bills did carry some form of appropriation, and that the House thereby conferred on the committee in these particular instances, and in these alone, the power to make appropriations. Therefore the Chair rules that in these specific cases the committee has jurisdiction to make appropriations. That is as far as the Chair rules, except, as I said at the beginning, the Chair believes that this committee has no further power to make appropriations.

781. Amendments authorized by special order may be supplanted or amended by germane propositions of the same import though expressed in different phraseology.

¹ Second session Sixty-fifth Congress, Record, p. 9666.

² Edwin Y. Webb, of North Carolina, Chairman.

On May 25, 1916,¹ the District of Columbia appropriation bill was being considered in the Committee of the Whole House on the state of the Union under a special order making certain amendments in order.

A paragraph was read providing for the payment of expenses of the District government jointly from District revenues and the Treasury, a similar proposition though couched in slightly different phraseology being authorized by the special order.

Mr. Frank W. Mondell, of Wyoming, raised a question of order against the paragraph, contending that in order to come within the provisions of the special order it must follow the exact language therein.

Mr. Charles R. Crisp, of Georgia, controverted the point of order on the ground that an amendment once admitted might be perfected by germane amendments and the pending proposition was germane to the amendment authorized by the order.

The Chairman² decided that the paragraph was merely a transposition of the amendment authorized by the special order and overruled the point of order.

782. Under a special order providing that a specified amendment "shall be voted on," that particular amendment only must be voted on and no similar amendment or substitute, even though germane, is in order.

Under a special order providing that certain amendments shall be voted on, it is not necessary that such amendments be offered and the Chair will put the question without motion from the floor.

On April 7, 1909,³ while the House was considering the tariff bill in the Committee of the Whole House on the state of the Union, Mr. George W. Norris, of Nebraska, offered a substitute for an amendment made in order by a special order under which the bill was being considered.

Mr. John Dalzell, of Pennsylvania, raised a point of order against the proposed substitute.

The Chairman⁴ said:

It is undoubtedly true that if this paragraph, 637, were reached in due course in the reading of the bill under the ordinary practice by paragraphs for amendment under the five-minute rule, it would be subject to any germane amendment or amendment to an amendment which any gentleman might offer; and so, if any additional paragraph, to be numbered 36½, were to be offered, that would be subject to amendment. But this section has not been reached in the regular order of the reading of the bill, and it is amendable at this time only as provided in the special rule. We are proceeding under a special rule or order of the House, which so far as concerns this question, reads as follows:

"Resolved, That immediately upon the adoption hereof general debate on H. R. 1438, 'A bill to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' shall be closed, and the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of said bill for amendment under

¹ First session Sixty-fourth Congress, Record, p. 8657.

² Scott Ferris, of Oklahoma, Chairman.

³ First session, Sixty-first Congress, Record, p. 1167.

⁴ Marlin E. Olmsted, of Pennsylvania, Chairman.

the five-minute rule; but committee amendments to any part of the bill shall be in order at any time, and also preference shall be given to amendments to paragraphs 196, 197, 708 (lumber), 581, 447½ (hides), 227 (barley), and 228 (barley malt).

"That an amendment shall be voted on to section 637, to wit: Strike out the proviso and insert as a new paragraph, No. 36½, the following:

"Crude petroleum and its products, 25 per cent ad valorem."

Now, it will be noticed that committee amendments are provided for; not any particular amendment; not just one single specified amendment, but amendments generally; also preferential amendments are permitted to certain specific paragraphs—196 and others. As to those matters, the preference is not given to any certain amendment. The rule says "amendments," which, of course, includes amendments to amendments, as the Chair has heretofore ruled. But when we come down to section 637 the rule does not permit of amendments. It declares that an amendment shall be voted on to section 637, to strike out certain things and insert to wit:

"Crude petroleum and its products, 25 per cent ad valorem."

That is the rule; that an amendment shall be voted on, which amendment shall be:

"Crude petroleum and its products, 25 per cent ad valorem."

The gentleman from New York, Mr. Vreeland, rose in his place and offered that amendment, thus bringing it before the committee. Any gentleman might have called it up perhaps at any time. Possibly the Chair itself might have called it up. The Chair treats the action of the gentleman from New York as simply calling the attention of the committee and the Chair, or bringing before the committee for its attention and action, the amendment which this rule provides shall be voted upon—

"Crude petroleum and its products, 25 per cent ad valorem."

Now, the gentleman from Nebraska, Mr. Norris, proposes another amendment to be voted on, namely—

"Crude petroleum and its products, 1 per cent ad valorem."

The effect of his amendment, if in order, would be to make it a preferential amendment that is to say, while the rule itself gives a preference, and in fact declares that a vote shall be taken upon a certain specific provision—

"Crude petroleum and its products, 25 per cent ad valorem"—

the effect of recognizing as in order the amendment of the gentleman from Nebraska would be not only to amend the rule itself, but actually to give to his amendment a preference over and above the precise amendment which the rule specifies as the one, and only one, to be voted upon. It is not for the Chair to determine whether this duty ought to be 1 per cent, or 25 per cent, or no duty at all. The Chair must simply rule upon the parliamentary situation, the proper construction of the rule.

The gentleman from Massachusetts, Mr. Gardner, called attention to a rule adopted on a former occasion, which provided for the taking of the vote upon a substitute amendment, providing that the vote "shall be taken without delay or intervening motion." That was a case in which motions for delay or intervening motions would have been in order without the rule, but this is just the reverse of that. This amendment itself would not be in order at this time except for the rule which makes it in order; while, as the Chair has stated, when this paragraph is reached in regular course on the reading of the bill any amendment would be in order, no amendment is in order now out of order except the precise amendment specified in the rule itself:

"Crude petroleum and its products, 25 per cent ad valorem."

The Chair must therefore sustain the point of order, and decline to entertain the amendment offered by the gentleman from Nebraska, which amendment proposes to change the terms of the rule or order of the House by striking out twenty-five and inserting one.

The ruling of the Chair is that when this paragraph is reached in regular order, or if it were now in regular order before the committee, any germane amendment would be in order, but that no amendment can now be recognized preferentially and out of the regular order except the particular amendment specified in the rule under which the committee is proceeding.

783. Under provision by special order that an amendment be read and considered in lieu of the bill, the amendment is treated as original text and is subject to amendment in the second degree.

When a special order provides for resolving into the Committee of the Whole, the House resolves automatically on announcement by the Speaker and without motion from the floor.

On January 9, 1919,¹ Mr. Hubert S. Dent, Jr., of Alabama, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13274) to provide relief for informal contracts.

The Speaker² decided that under the special order adopted on the preceding day, providing for resolving into the Committee of the Whole, the House resolved automatically and a motion to resolve was unnecessary.

During the consideration of the bill by the committee,³ Mr. James R. Mann, of Illinois, called attention to the provision of the special order authorizing the consideration of the committee amendment in lieu of the bill and inquired if amendments, and amendments to amendments, were in order.

The Chairman⁴ held that under the special order the amendment was treated as the original text and amendments to amendments were in order and could not be ruled out as amendments of the third degree.

784. When a special order provides for the consideration of an amendment as the original bill, the amendment and not the bill is read when called up for consideration.

On June 23, 1921,⁵ in the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1837) amending the farm-loan act, Mr. Otis Wingo, of Arkansas, raised a question of order that the Clerk was not reading the Senate bill but an amendment to the bill reported by the Committee on Banking and Currency.

The Chairman⁶ ruled that under the special order providing that the amendment reported by the committee be considered in lieu of the Senate bill, the amendment was read and not the original bill.

785. Under a special order providing for equal division of time for debate between those favoring and those opposing a bill, without designating who should control the time, it was held to be within the discretion of the Chair to recognize a Member supporting and a Member opposing the measure, each of whom should respectively control half the time.

Where a special order divides time for debate equally between those favoring and those opposing a proposition, the Members recognized to

¹ Third session Sixty-fifth Congress, Record, p. 1183.

² Champ Clark, of Missouri, Speaker.

³ Record, p. 1195.

⁴ Charles R. Crisp, of Georgia, Chairman.

⁵ First session Sixty-seventh Congress, Record, p. 2965.

⁶ Martin D. Madden, of Illinois, Chairman.

control time are recognized for one-half the time even when in excess of the hour to which one Member is limited under the general rules of debate.

On December 18, 1929,¹ the House agreed to a resolution (H. Res. 102) authorizing consideration of the joint resolution (H. J. Res. 170) for a commission to study and review the policies of the United States in Haiti. The resolution provided for general debate "which shall be confined to the resolution and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the resolution, the resolution shall be read for amendment under the 5-minute rule."

Following adoption of the resolution, Mr. George Huddleston, of Alabama, rose to a parliamentary inquiry and asked who would be entitled to recognition under the clause apportioning the time for debate between those favoring and those opposing the measure.

The Speaker² replied:

The Chair would think that would be in the discretion of the Chairman of the Committee of the Whole.

The Chair would think that the Member being recognized in favor of the proposition would be entitled to control half the time and the Member announcing himself opposed to the proposition would be entitled to control half of the time.

Mr. Huddleston called attention to the fact that under the rule such a course would give a Member so recognized an hour and a half, whereas under the general rules of the House no Member could be recognized for longer than one hour.

The Speaker said:

The resolution provides that the time for general debate shall be equally divided and controlled by those favoring and opposing the resolution.

The Chair would think that the Member announcing his opposition to the resolution would be entitled to control an hour and a half.

786. A Committee of the Whole may not alter, even by unanimous consent, an order of the House.

On July 21, 1921,³ during the consideration of the tariff bill in the Committee of the Whole House on the state of the Union under a special order providing that the reading of the bill continue until 3 o'clock p. m. on July 21, at that hour Mr. Finis J. Garrett, of Tennessee, asked unanimous consent that the special order be amended to permit the remainder of the bill to be read under the 5-minute rule.

The Chairman⁴ ruled that a special order of the House was not subject to amendment, even by unanimous consent, in the Committee of the Whole.

787. A motion to strike out the enacting clause is, in effect, a preferential amendment, and in order at any time recognition is secured to offer it during the reading of the bill for amendment.

A special order providing that a bill should be considered for amendment under the 5-minute rule was construed to admit the motion to strike out the enacting clause.

¹ Second session Seventy-first Congress, Record, p. 907.

² Nicholas Longworth of Ohio, Speaker.

³ First session Sixty-seventh Congress, Record, p. 4193.

⁴ Philip P. Campbell, of Kansas, Chairman.

On December 3, 1918,¹ the House agreed to the following resolution:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 12917, entitled "A bill to provide for the establishment of a sanatorium for the treatment of persons discharged from the military and naval forces of the United States and for other purposes"; that there shall be not to exceed one hour of general debate. At the conclusion of such general debate the bill shall be considered for amendment under the 5-minute rule. After the bill shall have been perfected in the Committee of the Whole House on the state of the Union the same shall be reported to the House with such recommendation as the committee may make, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

On the following day, December 4, after general debate had been concluded, and while the bill was being read for amendment, Mr. William J. Graham, of Illinois, proposed to offer a motion to strike out the enacting clause.

The Chairman referred to a decision in the Fifty-fifth Congress² in which a special order providing that a bill should be open to amendment in Committee of the Whole was held to prevent a motion to strike out the enacting clause.

Mr. James R. Mann, of Illinois, discussed the question and said:

The Chair will recollect that the rule does not provide for the consideration of this bill. The rule only provides that it shall be in order to move in the House to go into Committee of the Whole House on the state of the Union for the consideration of the bill. Of course, that places the bill in the position that any bill would occupy where a motion was made at any time for its consideration in Committee of the Whole. The ruling cited by the Chairman was absolutely correct under the special rule at that time, but that is not the situation before the committee now. There was a rule specifically providing for a certain length of time for amendments. Now, this rule we are operating under provided first that it should be in order to go into the Committee of the Whole House on the state of the Union. That motion has been carried, and we are in the Committee of the Whole House on the state of the Union. The rule provides that at the conclusion of such general debate the bill shall be considered for amendment under the five-minute rule. As a matter of fact, the motion referred to by the Chair under the ruling cited apparently was made before the bill was read for amendment. Now the bill is being read for amendment, and the motion to strike out the enacting clause is an amendment. If the committee should agree to that amendment of course that ends it so far as the committee is concerned at the time, unless the House should decide on its being reported back to the House that it would not agree to the amendment; but the bill is now being read for amendment under the rule, and the motion to strike out the enacting clause is an amendment like any other amendment, except it takes precedence over other amendments.

The Chairman³ decided that the motion to strike out the enacting clause was a preferential amendment and in order at any time the mover secured recognition to offer it during the reading of the bill for amendment.

788. A bill being under consideration by unanimous consent, the requirement that it shall be considered in the Committee of the Whole is waived.

On Monday, May 2, 1921,⁴ a day set apart for the consideration of bills on the Unanimous Consent Calendar, the House, by unanimous consent, took up the con-

¹ Third session Sixty-fifth Congress, Record, p. 106.

² Volume IV, section 3215, of this work.

³ Martin D. Foster, of Illinois, Chairman.

⁴ First session, Sixty-seventh Congress, Record, p. 931.

sideration of the joint resolution (S. J. Res. 20) making immediately available an appropriation for the construction of a dam.

Mr. William H. Stafford, of Wisconsin, made the point of order that the bill should be considered in the Committee of the Whole.

The Speaker¹ said:

It will be considered in the House. The Chair ruled once before that unanimous consent having been given for consideration a bill could be considered in the House. The question is on agreeing to the joint resolution.

789. Under a special order providing that the House shall resolve into Committee of the Whole, the House resolves automatically, and a motion to go into committee is not in order.

A special order providing for the consideration of a bill from day to day until disposed of includes Mondays and Fridays, but not Wednesdays.

Where a special order provided for the consideration of a bill from day to day until disposed of it was held that conference reports and messages from the Senate might intervene.

On October 1, 1918,² the House was proceeding from day to day under a special order providing:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 12776, entitled "A bill to provide further for the national security and defense and for the more effective prosecution of the war by furnishing means for the better utilization of the existing sources of electrical and mechanical power and for the development of new sources of such power, and for other purposes."

Mr. Thetus W. Sims, of Tennessee, moved that the House resolve itself into the Committee of the Whole for the consideration of the pending bill.

The Speaker³ said:

It is not necessary for the gentleman to make that motion. The rule evidently contemplates the automatic going into Committee of the Whole.

The Chair has not had time to investigate it and does not know how far back it runs, but the question has been raised here three or four times, and the Chair has always ruled the same way. Evidently the first man who drew a rule like this one did it when somebody was conducting a systematic filibuster. There would be roll calls on everything, among other things on the motion to go into Committee of the Whole, and that would delay business. Evidently that was the origin of it. Of course, no condition of that kind exists here now, but still the Committee on Rules brought in this rule in the usual language, providing that immediately upon the adoption of the rule the House should resolve itself into the Committee of the Whole. If they do not want it that way, they ought not to bring in a rule of that kind; and if they do bring in a rule of that kind, Members ought to beat the rule. The Chair serves notice on the House that he is going to rule this way every time this kind of a rule comes up; and if the House does not like it, it has its remedy. The remedy is to appeal from the decision of the Chair. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² Second session, Sixty-fifth Congress, Record, p. 10994.

³ Champ Clark, of Missouri, Speaker.

In response to a parliamentary inquiry submitted by Mr. Joseph Walsh, of Massachusetts, the Speaker ruled that the pending order was to be construed in the same manner as an order providing “and shall be a continuing order.”

The Speaker further held the order to provide for the consideration of the bill on Mondays and Fridays but not on Wednesdays, and that it did not take precedence of conference reports or preclude the reception of messages from the Senate.

790. Under a special order that the House immediately resolve into Committee of the Whole, the House resolves into the committee automatically and the consideration of other business is not in order.

On November 10, 1919,¹ the House agreed to a special order providing:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10453, being an act to provide for the termination of Federal control of the railroads, etc.

Thereupon the Speaker recognized Mr. Julius Kahn, of California, to call up a conference report.

Mr. Finis J. Garrett, of Tennessee said:

Mr. Speaker, I make the point of order that the resolution from the Committee on Rules which has just been adopted immediately resolved the House into the Committee of the Whole House on the state of the Union automatically. Now, all these matters that have come since have been out of order. The rule does not interfere with conference reports after the House has gone into Committee of the Whole House and risen again, but the rule when adopted puts the House into the Committee of the Whole House on the state of the Union at once.

The Speaker² sustained the point of order, and the House automatically resolved into the Committee of the Whole House on the state of the Union under the rule.

791. A special order providing that the House immediately resolve into Committee of the Whole is held to operate automatically.

A special order providing for the consideration of a bill until disposed of includes consideration on a Friday set apart by the rules for a class of business.

A special order was held in abeyance, no objection having been offered.

On Friday, December 5, 1919,³ the House having previously adopted a special order providing:

That immediately upon the adoption of this rule the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 9755, being a bill to establish the standard of weights and measures for wheat and corn mill products—

on motion of Mr. Addison T. Smith, of Idaho, by unanimous consent, the bill (S. 1300) authorizing the sale of certain lands in Idaho, was taken from the Speaker's table, read a third time, and passed.

Whereupon, Mr. George W. Edmonds, of Pennsylvania, proposed to call up bills on the Private Calendar on which the third reading had been ordered on Friday, October 31, and which, under the rules, were in order on this Friday.

¹ First session, Sixty-sixth Congress, Record, p. 8264.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Second session, Sixty-sixth Congress, Journal, p. 24; Record, p. 194.

Mr. Joseph Walsh, of Massachusetts, made the point of order that under the pending special order the House resolved into the Committee of the Whole automatically and no other business could be transacted.

The Speaker¹ said:

This rule is not entirely explicit, but the Chair is disposed to think that, in order to have an unbroken line of precedents and in order to make easier the task of the committee in the future in drawing rules, it would be wisest to hold that this rule does order that the House automatically go into Committee of the Whole.

If the Committee on Rules desires to make a bill privileged, it is easy to state that it shall be in order to move to go into Committee of the Whole, and that would always allow the House to exercise its will, because, particularly in the case of a bill which is likely to take up time, it is important that the House should each day have an opportunity to set it temporarily aside and not be obliged automatically to go into committee when there is other business it might desire to dispose of first.

Moreover, the Chair is troubled with the question which the gentleman from Massachusetts Mr. Walsh, asked—that if the Chair should hold that we did not automatically go into Committee of the Whole, inasmuch as the previous question has not been ordered on the bill and it is not unfinished business, just what claim would the bill have for consideration. The Chair would probably rule as he has before, that it was the intention to give it that privilege.

The Chair finds a precedent back in 1894 holding that on just such a resolution as this the House does automatically go into Committee of the Whole, and the Chair is informed that under the administrations of Speaker Clark and of Speaker Cannon that precedent was followed. So the Chair rules that the House automatically resolves itself into Committee of the Whole under the rule.

792. A special order making committee amendments to any part of the bill in order at any time was construed to permit the offering of amendments to paragraphs already passed in reading for amendment.

On August 19, 1921,¹ during consideration in Committee of the Whole House on the state of the Union of the revenue bill under special order, Mr. Nicholas Longworth, of Ohio, proposed to return to paragraphs passed in the reading of the bill for amendment, for the purpose of offering committee amendments.

Mr. Finis J. Garrett, of Tennessee, submitted an inquiry as to whether such procedure was in order without unanimous consent.

The Chairman² said:

That is the interpretation which the Chair thinks is warranted from the language of the third paragraph of the rule, which the Chair will read, and with which the gentleman is probably familiar:

“Thereafter the bill shall be considered for amendment under the five-minute rule. The committee amendments to any part of the bill shall be in order at any time and shall take precedence of other amendments.”

The Chair thinks that that language will permit a committee amendment to be offered to any part of the bill, although that part of the bill had been read without any action having been taken or any amendments having been made to it.

793. A special order fixing a time beyond which consideration of a bill should not continue was held not to prevent conclusion of consideration prior to that time.

¹ First session Sixty-seventh Congress, Record, p. 5276.

² Joseph Walsh, of Massachusetts, Chairman.

When provision is made by special order for the automatic rising of Committee of the Whole at a designated time, a motion is required to rise before that time, and is in order.

On November 29, 1922,¹ the bill (H. R. 12817) to amend the merchant marine act was being considered in Committee of the Whole House on the state of the Union under a special order providing "that consideration of the bill shall continue not later than 4 o'clock at which hour the committee shall rise and report the bill."

Prior to the time designated, Mr. William S. Greene, of Massachusetts, moved that the committee rise and report the bill to the House, with amendments, with recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. Thomas L. Blanton, of Texas, made a point of order that under terms of the special order the consideration of the bill should not be discontinued until the hour of 4 o'clock had arrived.

The Chairman² decided:

The Chair does not construe the rule as the gentleman from Texas construes it. As the Chair reads the rule, it means that at any time after the reading of the bill under the five-minute rule for amendment it would be in order by a vote of the Committee of the Whole to report the bill back to the House with such amendments as have been agreed to. In case the debate ran until 4 o'clock this afternoon it would be the duty of the Chair at that hour to declare that by the order of the House the committee should rise and report the bill to the House. Construing the rule in this way, and believing it to be the proper construction of the rule, the Chair overrules the point of order and will put the question.

Thereupon Mr. Finis J. Garrett, of Tennessee, called attention to the terms of the special order providing for the automatic rising of the committee.

The Chairman held that while the order provided for an automatic rising at 4 o'clock, a motion was required if the committee rose prior to that time.

794. Special orders are interpreted literally, and a rule providing that consideration of a bill continue until a specified time was held to preclude a motion to rise and report prior to that time.

Under terms of a special order providing that on adoption the House resolve into Committee of the Whole, the House resolves into the Committee automatically without motion from the floor.

Form of rule providing for consideration of a general tariff bill.

On May 24, 1929,³ Mr. Bertrand H. Snell, of New York, by direction of the Committee on Rules, called up the following resolution:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2667, entitled "A bill to provide revenue, to regular commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes"; that general debate on the bill be now closed; that the bill shall be considered for amendment under the 5-minute rule, but committee amendments to any part of the bill shall be in order at any time; that consideration of the bill for amendment shall continue until Tuesday, May 28, 1929, at 3 o'clock p. m., at which time the bill with all amendments that shall have been adopted

¹Third session Sixty-seventh Congress, Record, p. 427.

²John Q. Tilson, of Connecticut, Chairman.

³First session Seventy-first Congress, Record, p. 1867.

by the Committee of the Whole shall be reported to the House, whereupon the previous question shall be considered as ordered on the bill and all amendments to final passage without intervening motion except one motion to recommit.

The vote on all amendments shall be taken en gros except when a separate vote is demanded by the Committee on Ways and Means on an amendment offered by said committee.

That said bill shall be the continuing order until its consideration is concluded, subject only to conference reports, privileged matters on the Speaker's table, and reports from the Committee on Rules.

After debate, the previous question was ordered, yeas 248, nays 138. The question recurring on the passage of the resolution, it was agreed to, yeas 234, nays 138.

Whereupon, the Speaker¹ announced:

Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from New York, Mr. Snell, will kindly take the chair.

On the following day,² after the reading and approval of the Journal, Mr. William B. Bankhead, of Alabama, rising to a parliamentary inquiry, called attention to the provision of the special order that debate should "continue until Tuesday, May 28, 1929, at 3 o'clock p. m.," and asked if it would be in order for the chairman of the committee in charge of the bill to move to rise prior to that time if consideration was sooner concluded.

The Speaker replied:

Replying to the parliamentary inquiry, the resolution provides, among other things, that the consideration of the bill for amendment shall continue until Tuesday, May 28, 1929, at 3 o'clock p. m. The Chair thinks that the committee could not rise and report the bill until 3 o'clock on Tuesday except by order of the House.

The Chair thinks the committee could not rise before that time, but, of course, a recess would be quite proper in such a contingency.

795. Where a special order provided for a vote on an amendment at a designated time, the Chairman at that time put the question, and pending amendments to the amendment were not acted upon.

On April 28, 1924,³ the House was considering, in the Committee of the Whole House on the state of the Union, the bill (H. R. 7962) to regulate rents in the District of Columbia, under a special order which provided:

At the hour of 4 o'clock, if the consideration of the substitute shall not have been sooner completed, the committee shall vote upon the substitute as amended, if any amendments have been adopted, and immediately upon the conclusion of that vote the committee shall automatically rise and report the bill.

The hour of 4 o'clock having arrived, the Chairman put the question on the substitute. The substitute was agreed to.

Mr. Carl R. Chindblom, of Illinois, as a parliamentary inquiry, asked what disposition was made of a pending amendment to the substitute.

¹ Nicholas Longworth, of Ohio, Speaker.

² Record, p. 1922.

³ First session sixty-eighth Congress, Record, p. 7424.

The Chairman ¹ said:

It was not voted upon.

The hour of 4 o'clock having arrived, the committee will automatically rise.

796. Interpretation of a special order providing for consideration of Senate bills on the Private Calendar in the closing days of a session.

On February 26, 1931,² in anticipation of the close of the session, the House, by unanimous consent, agreed to this resolution:

Resolved, That on Monday next, March 2, 1931, it shall be in order to move that the House take a recess until 8 p. m., and that at the evening session until 11 o'clock p. m. it shall be in order to consider Senate bills on the Private Calendar unobjected to in the House as in the Committee of the Whole; and, further, that the Speaker may recognize Members to ask unanimous consent for the consideration of Senate bills on the Speaker's table where similar House bills have been reported by a committee of the House and are on the Private Calendar.

On March 2,³ the Speaker,⁴ referring to this resolution, said:

The Chair asked the parliamentarian to prepare a statement with regard to just what was covered in the arrangements for tonight. The Chair thinks that the orderly and fair way of complying with the resolution agreed to on February 26, 1931, would be to begin at the star and call each Senate bill on the Private Calendar and each Senate bill on the Speaker's table, where a similar House bill is on the Private Calendar, in their numerical order, in which both classes of bills appear on the Private Calendar. When that has been completed, the Chair should then recognize Members to ask unanimous consent to take Senate bills from the Speaker's table, where similar House bills are on the Private Calendar, before the star.

797. Form of special order authorizing motion to resolve into Committee of the Whole for the consideration of a bill with the usual provisions, for limitations on debate, control of time, and disposition in the House.

On February 21, 1925,⁵ Mr. Theodore E. Burton, of Ohio, from the Committee on Rules, presented the following resolution, which was agreed to by the House:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12348, "A bill to create a Federal cooperative marketing board, to provide for the registration of cooperative marketing, clearing house, and terminal market organizations, and for other purposes."

That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, the time to be equally divided and controlled by those favoring and opposing, the bill shall be read for amendment under the five minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

798. On April 15, 1930,⁶ Mr. Fred S. Purnell, of Indiana, by direction of the Committee on Rules, called up the resolution (H. Res. 205), which was agreed to as follows:

¹ George S. Graham, of Pennsylvania, Chairman.

² Third session Seventy-first Congress, Record, p. 6147.

³ Record, p. 6800.

⁴ Nicholas. Longworth, of Ohio, Speaker.

⁵ Second session, Sixty-eighth Congress, Record, p. 4334.

⁶ Second session Seventy-first Congress, Record, p. 6851.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10381, a bill to amend the World War veterans' act, 1924, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed 12 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on World War Veterans' Legislation, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

799. Form of special order for considering a Senate bill in the Committee of the Whole making in order House committee amendments and providing for separate vote on each.

On February 15, 1923,¹ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, presented a resolution which was amended and agreed to in the following form:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4137. After general debate, which shall continue not to exceed one hour, to be equally divided and controlled between those for and those against the bill, said bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of a point of order House committee amendments recommended by the Committee on Naval Affairs now in the bill, and such amendments for the purpose of amendment shall be considered under the five minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with the committee amendments and such amendments to the committee amendments as may have been adopted (upon which a separate vote may be demanded), and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

800. Form of special order for taking Senate bill from Speaker's table and considering House bill in lieu thereof in Committee of the Whole.

On May 3, 1921,² Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported and the House agreed to the following:

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 1084) entitled "An act to provide for a national budget system and an independent audit of Government accounts, and for other purposes," and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of such bill. After general debate, which shall continue for not to exceed two hours (one-half to be controlled by the gentleman from Iowa [Mr. Good] and one-half by the gentleman from Tennessee [Mr. Byrns]), the text of the bill (H. R. 30, Union Calendar No. 7) entitled "A bill to provide a national budget system and an independent audit of Government accounts, and for other purposes," when offered as a substitute for such Senate bill, shall be read for amendment under the five-minute rule and considered as an original bill in lieu of the text of such Senate bill. At the conclusion of such consideration the committee shall rise and report such Senate bill to the House with such amendments as may have been adopted, whereupon the previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion, except one motion to recommit.

¹ Fourth session, Sixty-seventh Congress, Record, p. 3703.

² First session, Sixty-seventh Congress, Record, p. 974.

801. Form of special order for consideration of committee amendment to a Senate bill on the House Calendar.

A Member in charge may yield for debate and retain control of the remainder of the time allotted, but in yielding for amendments thereby relinquishes the floor.

On April 17, 1926,¹ Mr. Earl C. Michener, of Michigan, for the Committee on Rules, called up the resolution (H. Res. 219), which was agreed to in the following form:

Resolved, That upon the adoption of this resolution it shall be in order to proceed to the consideration of the bill (S. 1039) to amend an act establishing a uniform system of bankruptcy, etc. When such bill is called up for consideration, the amendment proposed by the Committee on the Judiciary shall be read in lieu of the provisions of the Senate bill.

In response to inquiries from Mr. Finis J. Garrett, of Tennessee, the Speaker² held that under the rule the House substitute proposed by the Committee on the Judiciary would be considered as one amendment; that Mr. Michener would be recognized for one hour and could yield for debate or for amendment or could move the previous question; but in yielding for amendment he thereby yielded the floor and the member yielded to would then be recognized for one hour.

802. Form of special order for consideration of a resolution and report thereon in Committee of the Whole with provision for vote on a substitute.

On April 12, 1920,³ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, presented the following resolution, which was agreed to by the House on a vote of yeas 154, nays 113:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move to go into Committee of the Whole House on the state of the Union for the consideration of H. Res. 515 and House Report No. 816 accompanying said resolution from the Select Committee on Expenditures in the War Department. That there shall be not to exceed four hours of general debate on said resolution and report, one-half to be controlled by the chairman of said committee, Mr. Graham of Illinois, and one-half by the gentleman from Michigan, Mr. Doremus. That the gentleman from Illinois, Mr. McKenzie, the gentleman from Ohio, Mr. McCulloch, and the gentleman from Michigan, Mr. Doremus, shall have leave to revise and extend their remarks on said resolution and report in the Record. That at the conclusion of the general debate the vote shall be taken on one substitute for the resolution, if any be offered. That upon the conclusion of the vote on said substitute and resolution in committee the committee shall rise and report the resolution or substitute, as the case may be, to the House; whereupon the previous question shall be considered as ordered on the resolution or substitute to final passage without intervening motion, except one motion to recommit.

803. Form of special order providing for consideration of House substitute for Senate bill regardless of the rule requiring germaneness.

Form of rule authorizing Members to demand a separate vote on each amendment recommended by the Committee of the Whole.

¹ First session Sixty-ninth Congress, Record, p. 7671.

² Nicholas Longworth, of Ohio, Speaker.

³ Second session, Sixty-sixth Congress, Record, p. 5563.

On April 25, 1928,¹ Mr. Thomas S. Williams, of Illinois, by direction of the Committee on Rules, submitted the resolution (H. Res. 176), which was agreed to without division, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3555, entitled "An act to establish a Federal farm board to aid in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce." That after general debate, which shall be confined to the bill and which shall continue not to exceed 12 hours, the time to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of the point of order as provided in clause 7 of Rule XVI the substitute committee amendment recommended by the Committee on Agriculture now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with the committee substitute, as amended, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the committee substitute. The previous question shall be considered as ordered on the bill and committee substitute, including the amendments to the committee substitute thereto to final passage without intervening motion except one motion to recommit.

804. Form of special order providing for the consideration of a joint resolution in the House.

On April 8, 1920,² Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, presented the following resolution, which the House agreed to, yeas 214, nays 155:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider H. J. Res. 327, being a House joint resolution "terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes." That the House shall meet at 11 o'clock antemeridian on Friday, April 9, 1920. That the House joint resolution shall be read in extenso. That general debate shall continue on said resolution until 5 o'clock postmeridian on Friday, April 9, 1920, the time to be controlled, one-half by the gentleman from Pennsylvania, Mr. Porter, and one-half by the gentleman from Virginia, Mr. Flood. That at the conclusion of the general debate the previous question shall be considered as ordered on the said House joint resolution to final passage without intervening motion, except one motion to recommit.

805. Form of special order for resolving automatically into Committee of the Whole for consideration of a bill with the usual provisions as to limit and control of debate.

On October 9, 1919,³ the following resolution was reported from the Committee on Rules by Mr. Simeon D. Fess, of Ohio, and agreed to by the House:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 4438, being a bill to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise.

¹ First session Seventieth Congress, Record, p. 7223.

² Second session, Sixty-sixth Congress, Record, p. 5336.

³ First session. Sixty-sixth Congress Record, p. 6644.

That there shall be 2 hours and 30 minutes of general debate, one half to be controlled by those favoring the bill and one-half to be controlled by those opposing the bill.

That at the conclusion of the general debate the bill shall be read for amendment under the five-minute rule.

That the bill, together with the amendments, if any, shall be reported to the House.

Thereupon the previous question shall be considered as ordered on the bill and the amendments thereto for final passage without intervening motion except one motion to recommit.

806. Form of special order resolving the House automatically into the Committee of the Whole for the consideration of a bill.

On March 5, 1920¹ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, presented the following, which the House agreed to, yeas 147, nays 116:

Resolved, That on Saturday, the 6th day of March, 1920, the House shall meet at 11 o'clock a.m. That immediately after the reading of the Journal and the disposition of business upon the Speaker's table the House shall automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Report No. 637, from the Committee on Expenditures in the War Department. That there shall be four hours allowed for debate upon said report, one-half to be controlled by the chairman of said committee and one-half by the gentleman from California, Mr. Lea. That the following members of said committee, Mr. Frear, of Wisconsin, Mr. Magee, of New York, and Mr. Lea of California, shall have leave to extend and revise such remarks as they may, respectively, make upon said report in the Congressional Record without further leave of the House. That upon the conclusion of said debate the Committee of the Whole House on the state of the Union shall automatically rise.

807. On January 20, 1930,² Mr. Earl C. Michener, of Michigan, by direction of the Committee on Rules, called up the following resolution (H. Res. 132):

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 26, a bill for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia, and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Buildings and Grounds, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

The resolution was agreed to without amendment, and thereupon the Speaker³ announced that in compliance with the provisions of the rule the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

808. Form of special order providing for consideration of a bill with reservation as to days set apart by the rules for classes of business.

¹ Second session, Sixty-sixth Congress, Record, p. 3931.

² Second session, Seventy-first Congress, Record, p. 2705.

³ Nicholas Longworth, of Ohio, Speaker.

On May 8, 1922,¹ by direction of the Committee on Rules, Mr. Philip P. Campbell, of Kansas, submitted the following resolution, which was agreed to by the House:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10972, a bill to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey, and Public Health Service.

The consideration of this bill thus made in order shall not displace business provided for on special days.

809. Form of special order for consideration of a bill in Committee of the Whole, providing for hour at which House shall meet during consideration.

On March 8, 1920,² Mr. Bertrand H. Snell, of New York, from the Committee on Rules, reported the following resolution, which was agreed to:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12775, being a bill to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916. That there shall be not to exceed six hours of general debate on said bill, to be confined to the subject matter of the bill, one-half of the time to be controlled by the gentleman from California, Mr. Kahn, and one-half by the gentleman from Alabama, Mr. Dent. That at the conclusion of the general debate the bill shall be read under the five-minute rule. That during the consideration of the bill the House shall meet at the hour of 11 o'clock antemeridian. That at the conclusion of the consideration of the bill for amendments the bill shall be reported to the House with amendments, if any, and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

810. Form of special order providing for the consideration, within certain limits of time, of a substitute in lieu of a pending bill, in the Committee of the Whole in the House.

On April 28, 1924,³ the following resolution, presented by Mr. Bertrand H. Snell, of New York, from the Committee on Rules, was agreed to by the House, yeas, 67, nays, 32:

Resolved, That when the House proceeds in Committee of the Whole to the further consideration of H. R. 7962, entitled, "A bill to create and establish a commission as an independent establishment of the Federal Government to regulate rents of the District of Columbia," it shall be in order at any time to offer the following as a substitute for the text of the bill:

"Strike out all after the enacting clause and insert in lieu thereof the following:

"That it is hereby declared that the emergency described in Title 11 of the food control and District rents act still exists and continues in the District of Columbia, and that the present housing and rental conditions therein require the further extension of the provisions of such title.

"SEC. 2. That Title II of the food control and the District of Columbia rents act, as amended, is reenacted, extended, and continued, as hereinafter amended, until the 22d day of May, 1926, notwithstanding the provisions of section 2 of the act entitled "An act to extend for the period of

¹ Second session Sixty-seventh Congress, Record, p. 6531.

² Second session Sixty-sixth Congress, Record, p. 4022.

³ First session Sixty-eighth Congress, Record, p. 7373.

two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended," approved May 22, 1922.

"SEC. 3. That subdivision (a) of section 102 of the food control and the District of Columbia rents act, as amended by section 4 of such act of May 22, 1922, is hereby amended by striking out the figures "1924" in said subdivision and inserting in lieu thereof the figures "1926"."

Upon the offering of the substitute there shall be not to exceed two hours general debate, one-half to be controlled by those favoring the substitute and one-half by those opposing.

At the conclusion of the general debate the substitute shall be considered under the five-minute rule, and during that consideration it shall be in order to offer an amendment to the substitute providing for the reduction of number of commissioners provided for in said bill.

At the hour of 4 o'clock, if the consideration of the substitute shall not have been sooner completed, the committee shall vote upon the substitute as amended, if any amendments have been adopted, and immediately upon the conclusion of that vote the committee shall automatically rise and report the bill and any amendments, of the substitute and any amendments, to the House; and the previous question shall be considered as ordered on the bill and amendments for final passage.

811. Form of special order making it in order to Consider in the Committee of the Whole a bill on the House Calendar.

On December 19, 1921,¹ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, presented the following, which was agreed to, yeas, 170, nays, 42:

Resolved, That upon the adoption of this resolution it shall be in order to consider H. R. 13 (House Calendar No. 98) in the Committee of the Whole House on the state of the Union as though the bill were on the Union Calendar. Thereupon it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 13, being a bill "to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching." That there shall be not to exceed 10 hours of general debate on said bill, one-half to be controlled by the gentleman from Minnesota (Mr. Volstead) and one-half by the gentleman from Texas (Mr. Sumners). At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendments the committee shall rise and report the bill back to the House with the amendments, if any; the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage, without intervening motion, except one motion to recommit.

812. Form of special order authorizing the motion to resolve into Committee of the Whole for consideration of a bill, with provision for termination of consideration on a day certain.

On November 22, 1922,² Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, presented the following resolution, which was agreed to by the House:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering H. R. 12817, a bill to amend and supplement the merchant marine act, 1920, and for other purposes. General debate on said bill shall continue until the Committee of the Whole House on the state of the Union rises on Saturday, November 25, at which time general debate shall terminate. The time for such general debate shall be controlled and divided equally between those in favor of and those opposing the bill and shall be controlled by the chairman and the ranking minority member opposed to the bill of the Committee on the Merchant Marine

¹ Second session Sixty-seventh Congress, Record, p. 541.

² Third session Sixty-seventh Congress, Record, p. 37.

and Fisheries; that on Monday, November 27, the bill shall be taken up for amendment under the five-minute rule; that the consideration of the bill for amendments shall continue not later than the hour of 4 o'clock postmeridian on November 29, at which hour the committee shall rise and report the bill back to the House with such amendments as may have been agreed upon; whereupon the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage without intervening motion except one motion to recommit; that in consideration of the bill any appropriation made in the bill shall not be subject to a point of order.

813. Form of special order for considering a bill in Committee of the Whole, with clause exempting provisions from points of order.

On February 27, 1923,¹ Mr. Bertrand H. Snell, of New York, from the Committee on Rules, presented the following resolution, which was agreed to by the House:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 4197) entitled "An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes." After general debate, which shall continue not to exceed 30 minutes, to be equally divided and controlled between those for and against the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered ordered on the bill to final passage without intervening motion except one motion to recommit. The provisions of the bill shall be considered without the intervention of a point of order.

814. Form of special rule making in order all provisions of a bill pending in the House, and all portions of the bill as reported and previously stricken out on points of order.

On January 26, 1920,² Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported the following resolution, which was agreed to—yeas 311, nays 9:

Resolved, That during the further consideration of the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, in Committee of the Whole House on the state of the Union, it shall be in order to consider, without the intervention of a point of order, any section of the bill as reported; and, upon motion authorized by the Committee on Foreign Affairs, it shall be in order to insert in any part of the bill any provision reported as part of the bill and heretofore ruled out on a point of order.

815. Form of special order providing for the consideration successively of certain joint resolutions in Committee of the Whole.

On January 30, 1923,³ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported the following resolution, which was agreed to:

Resolved, That upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution No. 12; that there shall be not to exceed one hour additional general debate on said resolution, one-half of the time to be controlled by those favoring the resolution and one-half by those opposing it. Upon the conclusion of such general debate the resolution shall be read for amendment under the five-minute rule, whereupon the resolution with amendments, if any, shall be reported back to the House, the previous question shall be considered as ordered

¹ Fourth session Sixty-seventh Congress, Record, p. 4805.

² Second session Sixty-seventh Congress, p. 2063.

³ Fourth session Sixty-seventh Congress, Record, p. 2728.

on said resolution and all amendments thereto to final passage without intervening motion except one motion to recommit.

That immediately upon the conclusion of the consideration of Senate Joint Resolution No. 12 in the House, the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution No. 79; there shall be not to exceed one hour and thirty minutes general debate on said resolution, one-half of the time to be controlled by those favoring the resolution and one-half by those opposing it; that at the conclusion of the general debate the resolution shall be read for amendments under the five-minute rule, whereupon the resolution with amendments, if any, shall be reported back to the House, the previous question shall be considered as ordered on the resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

816. Form of special order for consideration of a bill in Committee of the Whole and in the House, with provisions for daily recess and evening sessions.

On May 20, 1924,¹ by a vote of yeas 271, nays 47, the House agreed to the following resolution presented by Mr. Bertrand H. Snell, of New York, from the Committee on Rules:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 9033, entitled "A bill declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes."

That after general debate, which shall be confined to the bill and shall continue not to exceed 15 hours, and during the general debate the House shall recess each day from 6 o'clock p. m. until 8 o'clock p. m., the time to be equally divided and controlled by these favoring and opposing, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

817. Form of special order for the consideration, successively, of a number of bills in designated order in Committee of the Whole and in the House, excepting days set apart by the rules for certain classes of business and providing against interference with other business privileged under the rules.

On August 11, 1914,² Mr. Martin D. Foster, of Illinois, from the Committee on Rules, presented a resolution, which was amended and agreed to, as follow:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration in the order named of the following bills, to wit:

1. H. R. 16673. To provide for the development of water power and the use of public lands in relation thereto, and for other purposes. The first reading of the bill shall be dispensed with, and there shall not be exceeding four hours of general debate, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Oklahoma [Mr. Ferris] and the other half by the gentleman from Wisconsin [Mr. Lenroot]. At the conclusion of such general debate the bill shall be considered in the Committee of the

¹ First session Sixty-eighth Congress, Record, p. 9015.

² Second session Sixty-third Congress, Record, p. 13617.

Whole House on the state of the Union and shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendations as the committee may make.

2. H. R. 14233. To provide for the leasing of coal lands in the Territory of Alaska, and for other purposes. The first reading of the bill shall be dispensed with, and there shall be not exceeding six hours of general debate on the bill, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Oklahoma [Mr. Ferris] and the other half by the gentleman from Wisconsin [Mr. Lenroot]. At the conclusion of such general debate the bill shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendations as the committee may make.

3. H. R. 16136. To authorize exploration for and disposition of coal, oil, gas, potassium, or sodium. The first reading of the bill shall be dispensed with, and there shall not be exceeding four hours of general debate, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Oklahoma [Mr. Ferris] and the other half by the gentleman from Wisconsin [Mr. Lenroot]. At the conclusion of such general debate the bill shall be considered in the Committee of the Whole House on the state of the Union and shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendations as the committee may make.

4. E. R. 12741. To provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes. The first reading of the bill shall be dispensed with, and there shall not be exceeding four hours of general debate, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Illinois [Mr. Foster] and the other half by the gentleman from Utah [Mr. Howell]. At the conclusion of such general debate the bill shall be considered for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendations as the committee may make.

5. S. 4628. Extending the period of payment under reclamation projects, and for other purposes. The first reading of the bill shall be dispensed with, and there shall be not exceeding two hours of general debate—to be divided equally between those who favor and those who oppose the bill, one half of such time to be controlled by the gentleman from Texas [Mr. Smith] and the other half by the gentleman from Nebraska [Mr. Kinkaid]. At the conclusion of such general debate the bill shall be considered in the Committee of the Whole House on the state of the Union and shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendation as the committee may make.

At the conclusion of the consideration of each bill above specified in the Committee of the Whole, the committee shall rise and report the same to the House, whereupon the previous question shall be considered as ordered upon each bill and amendments thereto to final passage, without intervening motion, except one motion to recommit on each of said bills.

The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, unanimous-consent, or District days, and business in order on Fridays, nor with the consideration of appropriation bills, or bills relating to the revenue and the bonded debt of the United States, nor with the consideration of conference reports on bills, nor the sending of bills to conference. All debate shall be confined to the subject matter of the bill then under consideration, and all Members speaking upon any of said bills shall have the right to revise and extend their remarks in the Record, and all Members shall have the right to print remarks on any of said bills during not exceeding five legislative days.

818. Form of special order for assigning a day for consideration in the House of bills reported from a certain committee.

On May 24, 1922,¹ Mr. Bertrand H. Snell, of New York, from the Committee on Rules, submitted the following resolution, which was agreed to:

Resolved, That upon the adoption of this resolution the Committee on Agriculture shall have three legislative days prior to June 10, 1922, for the consideration of bills reported by that committee now on the House or Union calendars, this rule not to interfere with privileged business.

819. Form of special order discharging committee from consideration of House bill with Senate amendments and providing for consideration in Committee of the Whole.

On May 25, 1920,² Mr. Simeon D. Fess, of Ohio, presented, as privileged, the following resolution from the Committee on Rules, which was agreed to by the House:

Resolved, That immediately upon the adoption of this resolution the Committee on Education be, and the same is hereby, discharged from the further consideration of the bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, with the Senate amendment thereto, and it shall be in order to consider the same in the House as in the Committee of the Whole.

820. Form of special order discharging committee from consideration of bill with Senate amendments and providing for conference.

On March 19, 1920,³ Mr. Bertrand H. Snell, of New York, from the Committee on Rules, presented the following resolution:

Resolved, That immediately upon the adoption of this resolution the Committee of the Whole House on the state of the Union shall be discharged from the consideration of the bill H. R. 11927 entitled "An act to increase the efficiency of the personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation," and the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House; the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be, and hereby is, agreed to by the House, and the Speaker shall immediately appoint the conferees without intervening motion.

A motion by Mr. Snell for the previous question on the resolution was disagreed to, yeas 136, nays 153.

Whereupon, Mr. Edward W. Pou, of North Carolina, offered a substitute, which was agreed to, as follows:

Resolved, That immediately upon the adoption of this resolution the Committee of the Whole House on the state of the Union shall be discharged from the consideration of the bill H. R. 11927, entitled "An act to increase the efficiency of the personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation," and the Senate amendments thereto; and it shall be in order to move that the House disagree to the Senate amendments and agree to the conference requested by the Senate, and the Speaker shall appoint the conferees: *Provided*, That during the consideration of same it shall be in order to make all motions in order under the general rules of the House.

¹ Second session Sixty-seventh Congress, Record, p. 7576.

² Second session Sixty-sixth Congress, Record, p. 7593.

³ Second session Sixty-sixth Congress, Record, p. 4608.

821. Form of special order discharging committee from further consideration of House bill with Senate amendments and asking conference.

On April 25, 1916,¹ Mr. Edward W. Pou, of North Carolina, from the Committee on Rules, presented the following resolution, which was agreed to by a vote of yeas 207, nays 144:

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and is hereby, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and are hereby, disagreed to by the House and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion, except one motion to recommit.

822. Forms of special order making in order a motion to take from the Speaker's table and send to conference bill with Senate amendments.

On May 5, 1922,² the following resolution was reported by Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, and agreed to by the House:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move to take from the Speaker's table the bill H. R. 9103, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate, which motion shall be agreed to without intervening motion, except one motion to recommit.

823. On September 22, 1919,³ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported and the House agreed to the following resolution:

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table H. R. 8624, the same being "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply and controlling the distribution of food products and fuel, approved August 10, 1917,'" disagree to all Senate amendments, and send the same to conference without intervening motion or debate.

824. On September 11, 1913,⁴ Mr. Robert L. Henry, of Texas, from the Committee on Rules, reported the following resolution, which was agreed to by the House:

Resolved, That upon the adoption of this resolution it shall be in order to move to nonconcur in gross in the Senate amendments to H. R. 3321 and agree to a committee of conference asked for by the Senate on the disagreeing votes of the two Houses, and the House shall without further delay proceed to vote upon said motion; and if said motion shall prevail a committee of conference shall be appointed without instructions, and said committee shall have authority to join with the Senate committee in renumbering the paragraphs and sections of said bill when finally agreed upon.

825. Form of special order authorizing a motion to consider Senate amendments in Committee of the Whole.

¹First session Sixty-fourth Congress, Record, p. 6814.

²Second session Sixty-seventh Congress, Record, p. 6405.

³First session Sixty-sixth Congress, Record, p. 5723.

⁴First session Sixty-third Congress, Record, p. 4713.

On August 16, 1921,¹ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported the following resolution, which was agreed to by the House:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the amendments of the Senate to the bill (H. R. 7294) entitled "An act, supplemental to the national prohibition act," under the five-minute rule. After the completion of such consideration the committee shall arise and report the amendments of the Senate to the House with such recommendation as may have been adopted, whereupon the previous question shall be considered as ordered on the Senate amendments and all motions incidental thereto recommended by the committee to final passage without intervening motion except one motion to recommit.

826. Form of special order taking from the Speaker's table and sending to conference a House bill with Senate amendments.

On September 1, 1922,² Mr. Bertrand H. Snell, of New York, from the Committee on Rules, presented and the House agreed to the following:

Resolved, That immediately upon the adoption of this resolution the bill H. R. 10874, together with the amendments of the Senate thereto, be taken from the Speaker's table; that the amendments of the Senate thereto be disagreed to in gross; that the conference asked by the Senate be agreed to; and that the Speaker without intervening motion appoint managers on the part of the House.

827. On April 2, 1930,³ Mr. Bertrand H. Snell, of New York, by direction of the Committee on Rules, called up the resolution (H. Res. 197) making it in order to send to conference the Hawley-Smoot tariff bill and providing as follows:

Resolved, That immediately upon the adoption of this resolution the bill H. R. 2667 with Senate amendments thereto be, and the same hereby is, taken from the Speaker's table to the end that all Senate amendments be and the same are, disagreed to, and a conference is requested with the Senate upon the disagreeing votes of the two Houses.

The previous question was ordered, yeas 238, nays 153, and the question recurring on the passage of the resolution it was agreed to, yeas 241, nays 153.

828. Form of special order for consideration of a conference report without intervention of points of order.

On July 31, 1909,⁴ the House agreed to the following resolution presented by Mr. John Dalzell, of Pennsylvania, from the Committee on Rules:

Resolved, That immediately upon the adoption of this order the House shall proceed to consider the report of the managers of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes; that none of the provisions of said report shall be subject to a point of order; that general debate shall continue until 8 o'clock p. m. of this day, unless sooner concluded, and that immediately upon the conclusion of general debate the previous question shall be considered as ordered on the motion to agree to the report; and that general leave to print on the subjects of this report shall be granted for ten calendar days.

¹First session Sixty-seventh Congress, Record, p. 5067.

²Second session Sixty-seventh Congress, Record, p. 12118.

³Second session Seventy-first Congress, Record, p. 6383.

⁴First session Sixty-first Congress, Record, p. 4688.

829. Forms of special order for considering in the Committee of the Whole and in the House, within certain limits of time, a general tariff bill.¹

On April 6, 1909,² Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, presented the following special order for consideration of the general (called the Payne-Aldrich) tariff bill, which was agreed to:

Resolved, That immediately upon the adoption hereof general debate on H. R. 1438, "A bill to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," shall be closed, and the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of said bill for amendment under the five-minute rule; but committee amendments to any part of the bill shall be in order at any time, and also preference shall be given to amendments to paragraphs 196, 197, 708 (lumber), 581, 447½ (hides), 227 (barley), and 228 (barley malt).

That an amendment shall be voted on to section 637, to wit: Strike out the proviso and insert as a new paragraph, No. 36½, the following: "Crude petroleum and its products, 25 per cent ad valorem."

That said specified amendments shall take precedence of committee amendments.

That consideration of said bill for amendment shall continue until not later than Friday, the 9th day of April, at 3 o'clock p.m., at which time the said bill, with all amendments that shall have been recommended by the Committee of the Whole House on the state of the Union, shall be reported to the House, and the previous question shall then be considered as ordered on said amendments and said bill to its engrossment, third reading, and final passage.

A separate vote may be had on the amendments relating to hides, lumber, oil, barley, barley malt, tea, coffee, or any of them, irrespective of their adoption or rejection in Committee of the Whole, and the vote upon all other amendments in gross.

That the daily hour of meeting hereafter shall be 12 o'clock noon.

830. On July 12, 1921,³ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, presented and the House adopted this special order for the consideration of the general (called the Fordney) tariff bill:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7456) entitled "A bill to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes."

That general debate shall be confined to the bill and be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and shall terminate when the Committee of the Whole arises on July 14, 1921.

Thereafter the bill shall be considered for amendment under the five-minute rule, but committee amendments to any part of the bill shall be in order any time, as shall also amendments to paragraph 1582 (hides); paragraph 27 (dyestuffs); paragraph 89 (oil); paragraph 1557 (cotton); and paragraph 207 (asphalt).

That said specified amendments shall take precedence of committee amendments to other paragraphs.

That clause 3 of Rule XXI shall not apply to committee amendments.

That consideration of the bill for amendment shall continue until Thursday, July 21, at 3 o'clock postmeridian, at which time the bill with all amendments that shall have been adopted by the Committee of the Whole shall be reported to the House, whereupon the previous question

¹No special order was adopted for consideration of the general (known as the Underwood) tariff bill passed in the first session of the Sixty-third Congress.

²First session Sixty-first Congress, Record, p. 1112.

³First session Sixty-seventh Congress, Record, p. 3607.

shall be considered as ordered on the bill and all amendments to final passage without intervening motion except one motion to recommit.

A separate vote may be had on amendments relating to the paragraphs enumerated above irrespective of their adoption or rejection in the Committee of the Whole, and the vote on all other amendments shall be taken in gross except when a separate vote is requested by the Ways and Means Committee on an amendment offered by said committee.

That during the consideration of the bill (H. R. 7456) the daily hour of meeting shall be at 11 o'clock antemeridian.

That said bill shall be the continuing order until its consideration is concluded, subject only to conference reports, privileged matters on the Speaker's table, and reports from the Committee on Rules.

That until July 28 all Members shall have leave to extend their own remarks on the bill in the Record.

831. Form of special order authorizing consideration of amendments not otherwise in order.

On December 16, 1922,¹ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported the following resolution, which was agreed to by a vote of yeas 251, nays 9:

Resolved, That during the consideration of the bill H. R. 13374, making appropriations for the Navy Department and the naval service for the fiscal year 1924, it shall be in order to consider, without the intervention of a point of order, provisions of the bill or germane amendments thereto relating to appropriations to procure, purchase, manufacture, or construct additional aircraft for the Naval Establishment, including the necessary spare parts and equipment therefor, at a total cost not exceeding \$5,798,950, and also that part of the appropriation bill on page 55, lines 12 to 17, inclusive.

832. Form of special order authorizing consideration of a bill in Committee of the Whole without intervention of points of order either against provisions of the original bill or certain amendments recommended by the committee reporting the bill.

On May 4, 1912,² Mr. Robert L. Henry, of Texas, from the Committee on Rules, presented the following resolution which was agreed to—yeas 138, nays 107:

Resolved, That in the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government, and for other purposes, in the Committee of the Whole House on the state of the Union, it shall be in order to consider without intervention of a point of order any section of the bill as reported, and an amendment authorized by the Committee on Appropriations as a committee amendment, to read as follows:

“Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except that the disbursing officers shall make only such examination of all vouchers as may be necessary to ascertain whether they represent legal claims against the United States.”

833. Form of special order providing for suspension of rules on other than a suspension day.

¹ Fourth session Sixty-seventh Congress, Record, p. 573.

² Second session Sixty-second Congress, Record, p. 5891.

On January 23, 1920,¹ Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, submitted, as privileged, the following resolution, which was agreed to—yeas 297, nays 30:

Resolved, That immediately upon the adoption of this rule it shall be in order for the Speaker to recognize the Member in charge of H. R. 11927 to move to suspend the rules and pass the bill being a bill "To increase the efficiency and personnel of the Navy and Coast Guard through temporary provision of bonus or increased compensation," the general rules of the House to the contrary notwithstanding.

834. Form of special order providing temporarily for an additional suspension day.

On February 10, 1925,² Mr. Bertrand H. Snell, of New York, from the Committee on Rules, presented the following resolution, which was agreed to by the House:

Resolved, That it shall be in order on Tuesday, February 10, 1925, after the adoption of this resolution, to move to suspend the rules under the provisions of Rule XXVII of the House of Representatives.

835. Example of special order providing for temporary modification of a rule.

On February 26, 1909,³ Mr. John Dalzell, of Pennsylvania, from the Committee on Rules, presented the following resolution, which was agreed to by the House—yeas 108, nays 91:

Resolved, That during the remainder of this session Rule XXVIII shall be, and hereby is, modified in the following particular:

"The vote on agreeing to the motion shall in all cases be by majority instead of by two-thirds; and upon the demand of any Member opposed to the motion, a second shall be considered as ordered."

836. Form of resolution making in order motions to suspend the rules during the remainder of a session.

On June 26, 1930,⁴ and before the date for final adjournment of the current session of Congress had been set, Mr. Bertrand H. Snell, of New York, by direction of the Committee on Rules called up the following resolution, which was agreed to—yeas 228, nays 139:

Resolved, That it shall be in order beginning on Thursday, June 26, 1930, until the end of the present session of Congress, for the Speaker to recognize Members for motions to suspend the rules.

837. Forms of special order conferring privileged status on a bill.

On May 23, 1922,⁵ the following resolution was presented by Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, and agreed to without division:

Resolved, That upon the adoption of this resolution it shall be in order to consider the bill H. R. 9527, being "A bill to amend section 5136, Revised Statutes of the United States, relating

¹ Second session Sixty-sixth Congress, Record, p. 1953.

² Second session Sixty-eighth Congress, Record, p. 3391.

³ Second session Sixtieth Congress, Record, p. 3310.

⁴ Second session Seventy-first Congress, Record, p. 11821.

⁵ Second session Sixty-seventh Congress, Record, p. 7488.

to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations.”

838. On December 9, 1921,¹ the House agreed to the following resolution reported by Mr. Bertrand H. Snell, of New York from the Committee on Rules:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 9103, “A bill for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts and for other purposes,” and to consider the same under the general rules of the House.

839. On June 30, 1922,² Mr. Simeon D. Fess, of Ohio, from the Committee on Rules, submitted and the House agreed to the following:

Resolved, That upon the adoption of this resolution it shall be in order for the Committee on Foreign Affairs to call up for consideration the joint resolution (H. J. Res. 322), being a joint resolution favoring the establishment in Palestine of a national home for the Jewish people; that there shall be not to exceed two hours’ debate on said joint resolution, to be controlled by the gentleman from New York, Mr. Fish.

840. Form of special order conferring privileged status on a number of bills not to interfere with the consideration of privileged business.

On March 1, 1922,³ on report from the Committee on Rules, presented by Mr. Philip P. Campbell, of Kansas, the House agreed to the following:

Resolved, That upon the adoption of this resolution it shall be in order to consider, under the general rules of the House, H. J. Res. 263 (reported by the Committee on Military Affairs), S. J. Res. 125 (reported by the Committee on Military Affairs), S. 2492 (reported by the Committee on Military Affairs), H. R. 8475 (reported by the Committee on Military Affairs). The consideration of these bills not to interfere with conference reports, bills from the Committee on Ways and Means, bills from the Committee on Appropriations, or other privileged business.

841. Form of special order conferring upon a bill for the current session the status enjoyed by bills reported from committees having leave to report at any time.

On January 8, 1908,⁴ the Committee on Rules reported, through Mr. John Dalzell, of Pennsylvania, the following resolution, which was agreed to:

Resolved, That during this session a motion to go into Committee of the Whole House on the state of the Union to consider the bill (H. R. 11701) to codify, revise, and amend the penal laws of the United States shall have the privilege belonging to the similar motion when applied to bills reported from committees having leave to report at any time: *And provided further*, That there shall be not to exceed four hours of general debate on the said bill, after which it shall be considered for amendment under the five-minute rule.

842. Form of special order authorizing a committee to call up a bill for consideration with reservations as to certain privileged business.

On April 25, 1922,⁵ the House agreed to the following resolution, reported by Mr. Philip P. Campbell, of Kansas, from the Committee on Rules:

¹ Second session Sixty-seventh Congress, Record, p. 146.

² Second session Sixty-seventh Congress, Record, p. 9799.

³ Second session Sixty-seventh Congress, Record, p. 3210.

⁴ First session Sixtieth Congress, Record, p. 539.

⁵ Second session Sixty-seventh Congress, Record, p. 5963.

Resolved, That upon the adoption of this resolution it shall be in order for the Committee on Interstate and Foreign Commerce to call up for consideration under the general rules of the House H.R. 10598, being a bill to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof. Consideration of the bill not to interfere with bills from the Committee on Appropriations, the Committee on Ways and Means, or conference reports.

843. Form of special order for consideration of a House bill with provision for substitution of Senate bill in Committee of the Whole.

On June 2, 1922,¹ the following resolution reported by Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, was agreed to:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H.R. 6043, a bill to amend paragraphs entitled "First" and "Second" of section 19a of the Interstate Commerce act, as amended; that in consideration of said bill it shall be in order to move to substitute Senate bill 539 for the House bill, and that the House bill lie upon the table; that there shall be not to exceed three hours of debate upon said bill; that at the conclusion of the general debate the bill shall be read for amendment, whereupon the bill with the amendments, if any, shall be reported back to the House; the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage, without intervening motion except one motion to recommit.

844. Form of special order authorizing the consideration of an amendment to a general appropriation bill.

On December 19, 1916,² Mr. Robert L. Henry, of Texas, from the Committee on Rules, presented the following resolution, which was agreed to:

Resolved, That it shall be in order to consider an amendment to a bill (H.R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, as follows, notwithstanding the general rules of the House:

"That to provide during the fiscal year 1918 for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of compensation less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees of the Library of Congress, the Botanic Garden, and the executive and judicial establishments who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, grades, or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein": And be it further

Resolved, That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918, nor shall any amendment be in order relating to the compensation of employees not appropriated for in H.R. 18542.

845. Form of resolution making in order proposed amendments to a general appropriation bill otherwise not germane and not previously authorized by law.

¹ Second session Sixty-seventh Congress, Record, p. 8051.

² Second session Sixty-fourth Congress, Record, p. 571.

On May 18, 1928,¹ Mr. Bertrand H. Snell, of New York, by direction of the Committee on Rules, presented the following resolution, which was agreed to without division or debate:

Resolved, That after the adoption of this rule it shall be in order in the consideration of H.R. 13873, for the chairman of the Sub-committee on Appropriations in charge of the bill to offer an amendment in the nature of a substitute for the language on page 47, lines 3 to 12, inclusive, notwithstanding the provisions of clause 2, Rule XXI, or clause 7 of Rule XVI.

¹First session Seventieth Congress, Record, p. 110.